

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Jarteaves Rice,

Plaintiff,

v.

Case No. 12-14438

Commissioners of Social Security,

Honorable Sean F. Cox

Defendant.

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**ORDER**  
**ACCEPTING AND ADOPTING REPORT & RECOMMENDATION**

Plaintiff brought this action challenging the Commissioner's decision denying Plaintiff's application for Childhood Supplemental Security Income under the Social Security Act. Thereafter, the matter was referred to Magistrate Steven Whalen for determination of all non-dispositive motions pursuant to 28 U.S.C. § 636(b)(1) and Report and Recommendation pursuant to § 636(b)(1)(B) and (C).

Thereafter, the parties filed cross-motions for summary judgment. In a Report and Recommendation ("R&R") issued on October 31, 2013, Magistrate Judge Whalen recommended that this Court: 1) Deny Defendant's Motion for Summary Judgment; and 2) in lieu of granting Plaintiff's Motion for Summary Judgment at this time, remand the action to the administrative level pursuant to the sixth sentence of § 405(g).

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. "The district judge to whom the case is assigned shall

make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made." *Id.*

The time for filing objections to the R&R has expired and the docket reflects that neither party has filed objections to the R&R.

The Court hereby ADOPTS the October 31, 2013, R&R. IT IS ORDERED that: 1) Defendant's Motion for Summary Judgment is DENIED; and 2) in lieu of granting Plaintiff's Motion for Summary Judgment at this time, the Court hereby REMANDS this action to the administrative level pursuant to the sixth sentence of § 405(g).

IT IS SO ORDERED.

S/Sean F. Cox  
Sean F. Cox  
United States District Judge

Dated: November 22, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on November 22, 2013, by electronic and/or ordinary mail.

S/Jennifer McCoy  
Case Manager